



1. Two or more Family Mediators (FDR Providers) have been assigned, and agree to provide Family Dispute Resolution (FDR) services, and all parties participating in FDR services agree to take part co-operatively and in good faith.
2. Prior to the commencement of any meetings, all Family Mediators shall disclose to the parties to the best of their knowledge any prior dealings with any of the parties and/or any interest in the dispute without that party's prior consent.
3. If there is any documentation relevant to the dispute, which may be discussed or referred to in this Family Mediation, it should be sent to the Family Mediator in advance of the first joint Family Mediation meeting. Any documents sent to the Family Mediator will be shared with the other party/parties prior to, or at the start of the Family Mediation.
4. All that is said or written by any person at the Family Mediation is confidential. For the avoidance of any doubt, the confidentiality applies to all Family Mediation meetings, discussion and correspondence from the date of consenting to this agreement to the conclusion of the Family Mediation.
5. Nothing that is said or written by any person present at the Family Mediation can or will be used in any court or before any person acting judicially. All documents presented in the Family Mediation shall be privileged.
6. Every communication within the Family Mediation shall be without prejudice. That is, parties can suggest ideas and talk about possibilities but formal agreement can only be relied upon once the Mediated Agreed Family Outcomes is signed.
7. The Family Mediator may communicate privately with any person present at the Family Mediation in an individual or separate meeting, or prior to the Family Mediation, and such communications shall not be disclosed to other parties by the Family Mediator without the express consent of that party.
8. If the parties are referred to Coaching at any stage of the FDR process, any discussion that takes place in Coaching shall remain confidential unless the party who participated in the Coaching chooses to talk about the issues they discussed.
9. Each party may be legally represented at the Family Mediation and the costs of any legal representation will be their own responsibility. The FDR process is designed in a way that it is not necessary for parties to attend with legal representation. If you choose to bring legal representation you must advise the Family Mediator at least 7 days in advance so the Family Mediator can advise the other party.
10. Family Mediation is a voluntary process and any party may elect not to continue with the Family Mediation at any point after consultation with the Family Mediator.
11. The Family Mediator may terminate the Family Mediation if after consultation with the parties the Family Mediator considers that it is inappropriate to continue with the mediation or she/he is unable to achieve a resolution of the dispute. If you make a complaint we will listen to your concerns and keep you informed about our complaints process and what is happening with your complaint. You can expect your complaint to be dealt with promptly. We will give you an explanation about any decisions or actions that we take as a result.

12. When the dispute is resolved by the parties in Family Mediation, the agreed terms will be recorded in writing and signed by all parties, as Mediated Agreed Family Outcomes.
13. The Mediated Agreed Family Outcomes shall not be protected by privilege.
14. Any party may ask the Family Court to consider converting the Mediated Agreed Family Outcomes into a Consent Order by making an application to the Family Court (please consult the Family Court or a FLAS Provider/Family Lawyer about this process).
15. The parties will not call or subpoena the Family Mediator as a witness in any arbitration, tribunal or Court proceeding whatsoever.
16. The parties release and discharge the Family Mediator in respect of all liability of any kind whatsoever which may be alleged to arise in connection with, or to result from, or to relate in any way to this Family Mediation.
17. Where all parties are eligible for public funding for the FDR service, there will be no fee payable for the Family Mediation.
18. Where any party is not eligible for public funding, payment of a fee will be required by any ineligible parties in advance of the first joint Family Mediation meeting.
19. We want to ensure you are aware of your rights in relation to FDR provided by the Family Works Resolution Service (FWRS).

Our Family Mediators are required to ensure you are well informed about each stage of the FDR process. Your involvement in the process is voluntary. The Family Mediator will work with you to help you make decisions through a safe process that is focused on the needs of your children.

You have the right to:

- be treated with consideration and respect
- be provided with services in a way that takes into account the needs, values and beliefs of your culture, religious, social and ethnic group
- have your privacy respected
- freedom from discrimination, coercion, harassment and sexual, financial or other exploitation
- dignity and independence
- services of a professional, ethical and accountable standard
- effective communication in a form, language and manner that enables you to understand the information provided
- be fully informed

- have one or more support persons of your choice to be with you during your Family Mediation meetings. The role of the support person is to provide emotional, psychological and spiritual support. It is a passive role and support persons do not participate in any discussion. The Family Mediator has discretion regarding whether the support person/s can be in the mediation room. If the support person is to be in a separate room, guidance will be given to the person being supported regarding how to access their support.
- make informed choices and to give informed consent where involved in teaching or research
- provide feedback about services received.

20. **Privacy**

Your right to privacy and confidentiality is important. We understand that information shared by you belongs to you.

We will collect information from you so that we can:

- Make sure that we provide you with the right service
- Keep a record of our work with you
- Evaluate the services we provide to ensure that our work is making a positive difference.

We will also collect information from you for the Ministry of Justice (MOJ) and record this in the Ministry of Justice Resolution Management System (RMS). RMS is the web-based information system used by MOJ to store information about you and the services accessed by you, so that:

- Your progress through family justice services can be tracked
- The need for you to repeat the same information to different providers is reduced.

Your FDR data and outcomes may be reviewed for the purpose of quality monitoring, professional supervision, auditing and reporting.

The Family Dispute Resolution Act 2013, the Care of Children Act 2004, the Domestic Violence Act 1995 and amendments, and the Privacy Act 1993 and amendments, as well as the Health Information Privacy Code provide the legal framework for this service. The Family Mediator and the Coach must apply the principles established by these Acts in their work with you.

21. **Providing Feedback**

Family Works are always pleased to receive feedback about a staff member or a service we are providing. We are also keen to make sure that we are providing you with the right service, so if you are pleased about something we have done, or you are not satisfied with the service that you have received and wish to make a complaint, we would like you to either:

- Discuss it with your Family Mediator or Coach
- **Contact FWRS on
0800 RESOLVE (0800 737 6583) or support@resolution.org.nz or
PO Box 99890, Newmarket, Auckland 1149**

If you make a complaint we will listen to your concerns and keep you informed about our complaints process and what is happening with your complaint. You can expect your complaint to be dealt with promptly. We will give you an explanation about any decisions or actions that we take as a result.